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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,493	01/18/2005	Heikki Kaarakka	3397-138PUS	2004
7590 10/01/2007				
Michael C Stuart Cohen Pontani Lieberman & Pavane Suite 1210 551 Fifth Avenue New York, NY 10176				
			EXAMINER HUG, ERIC J	
			ART UNIT 1731	PAPER NUMBER
			MAIL DATE 10/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/521,493	KAARAKKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Eric Hug	1731	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

The following is in response to the amendment filed on August 15, 2007.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaarakka et al (WO 01/27389) in view of Kankaanpaa (US 4,332,191).

Kaarakka discloses calendering arrangements comprising at least two nips formed by roll pairs. Figure 4 shows the arrangement given by independent claim 1. The distance between the center axes of top calender rolls 11 and 13 is greater than the center axes of bottom calender rolls 12 and 14. The roll pairs are stairwise offset at different height levels, with roll pair 11, 12 being higher. The arrangement is a staggered V-shaped configuration which allows for changing of rolls. See page 8, line 21 to page 9, line 12. Kaarakka does not disclose that the roll pairs are offset staggered on a single frame.

Kankaanpaa discloses a calendering apparatus wherein two separate calendering units are mounted onto a single frame in a staggered arrangement. By mounting the calendering units onto a single frame, threading of the web can be facilitated during the start-up phase of the paper machine. See column 2 lines 21-26, 35-41. The single frame structure also provides a convenient storage area for spare calender rolls. See column 8, lines 38-47. For at least these

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reasons, it would have been obvious to one skilled in the art to mount the calendering units of Kaarakka onto a single frame. Also, making separate units integral with one another is considered to be within the level of one skilled in the art. See *In re Larson*, 144 USPQ 347 (CCPA 1965) where it was held that that use of a one piece construction is matter of obvious engineering choice. Thus, claims to a calender claiming a single frame are unpatentable over Kaarakka which comprises two frames used together as a single unit.

Regarding claim 2, each nip is formed by a hard roll and a soft roll, wherein the hard roll is heatable (see page 9, lines 9-12; claim 2).

Regarding claims 3 and 6, page 8, lines 27-31 disclose that rolls 11, 12 and 13, 14 of the calenders are arranged in any laterally displaced position so that the longitudinal axes of the stacked rolls are not located in the same vertical plane. Although Figure 4 does not show one pair being entirely situated above the other, this particular arrangement is clearly within the scope of Kaarakka.

Regarding claims 4 and 7, this arrangement is exactly depicted in Figure 4, that is with the lower roll of the upper roll pair being at least partially below a top level of the upper roll of the lower roll pair.

Regarding claims 5 and 8-10, 12, and 13, steam boxes may be placed between calender nips (see page 9, lines 22-28).

Regarding claims 14-17, page 16, lines 11-14 disclose an inclination angle of 15° to the vertical plane.

***Response to Arguments***

Applicant's arguments filed August 15, 2007 have been fully considered. A new grounds of rejection is set forth above.

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

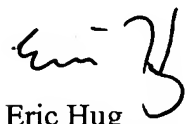
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Eric Hug  
Primary Examiner